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09/749,315	12/27/2000	Joseph L. Desormeaux JR.	41EB-1061	6152
7590 11/02/2004			EXAMINER	
John S. Beulick			GARG, YOGESH C	
Armstrong Teasdale LLP Suite 2600			ART UNIT	PAPER NUMBER
One Metropolitan Sq. St. Louis, MO 63102			3625	
			DATE MAILED: 11/02/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		09/749,315	DESORMEAUX ET AL.				
		Examiner	Art Unit				
		Yogesh C Garg	3625				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHOTHE I - Exter after - If the - If NO - Failu	ORTENED STATUTORY PERIOD FOR REPLICATION OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reprivation of the reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by statutively received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
1)⊠	Responsive to communication(s) filed on 16	luly 2004.					
2a)⊠	This action is <b>FINAL</b> . 2b) Thi	s action is non-final.	•				
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims		•				
5)□ 6)⊠ 7)□	<ul> <li>4)  Claim(s) 1-33 is/are pending in the application.</li> <li>4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-14 and 22-33 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or election requirement.</li> </ul>						
Applicati	on Papers						
9) The specification is objected to by the Examiner.							
10)	0)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	ınder 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
Attachmen	` '	_					
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:					

#### **DETAILED ACTION**

## Response to Amendment

1. Applicant's election with traverse of claims 1-14 and 22-32 is acknowledged. The traversal is on the ground(s) that searching the claims 15-21 would not place a serious burden on the examiner because it is asserted that (a) claims 15-21 are clearly related to the elected claims 1-14 and 22-32 and (b) that both groups of claims are in a single class (705). However, this is not found persuasive because the examiner disagrees with this assertion and states that while there may be some overlap between the search areas required for both groups of claims. elected and withdrawn, the search is divergent. The search for claims 1-14 and 22-32 would additionally involve searching for a server configured to implement the steps soliciting from the users information concerning a desirable attribute of a product and polling the users to determine the relative importance each user places on the attribute. The claims 1-14 and 22-32 are directed to a method and a system for gathering and compiling information concerning attributes of a product fro a user via at least one device and claims 15-21 are directed to soliciting information from users about attributes of the products and then polling users to know relative importance about those attributes from the users. Thus it can be clearly seen that the groups 1 and II are quite different and would require distinct and unduly burdensome and divergent search strategies on the part of the examiner. The requirement is still deemed proper and is therefore made FINAL.

The applicant has amended claims 1-3, 5-9, 11-13, 22 and 25-29 and added a new claim 33 dependent on claim 13. Currently claims 1-14 and 22-33 are pending for examination.

## **Drawings**

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2.1 The replacement sheets for FIG.13 and FIG.14 were received on July 16, 2004. The

replacement sheets received are not labeled should be labeled, as per 37 CFR 1.84 (c). . The

replacement sheets should be labeled "Replacement Sheet" in the page header (as per 37 CFR

Page 3

1.84(c)) so as not to obstruct any portion of the drawing figures.

2.2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

do not include the following reference sign(s) mentioned in the description: "52", see page 4,

lines 22, 23 and 24. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required

in reply to the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version of the

sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any

portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

will be notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

#### Response to Arguments

3.1. The rejection of claims 5-14 and 25-28 under U. S.C. 112, second paragraph has been withdrawn in view of the amendments made to claims 1-3, 5-9, 11-13, 22 and 25-28.

3.2. Applicant's arguments with respect to rejection of claims 1-14 and 23-32 in the previous Office action have been considered but are moot in view of the new ground(s) of rejection necessitated due to current amendments made to claims 1-3, 5-9, 11-13, 22 and 25-29 and addition of new claim 33.

This is a Final rejection.

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user" in line 5 on page 3 of claim 1.

## Objection

4.1 Claim 1 recites the limitation "the users" in line 10, page 3 of the amendment. There is insufficient antecedent basis for this limitation in the claim. As understood by the examiner and after reviewing system claim 22, which is closely parallel to claim 1 the term "the users" should be replaced by the term --- the user---so that it has sufficient antecedent basis to the term "a

4.2 Claim 2 recites the limitation " a device" in line 12, page 3 of the amendment. It is unclear if this device is separate from the device recited in claim 1 or same. As understood by the examiner and after reviewing system claim 22, which is closely parallel to claims 1 and 2 the term " a device" should be replaced by the term ----the device----so that it has antecedent basis to the term " a device" in line 5 on page 3 of claim 1.

- 4.3 Claim 3 recites the limitation " a first device" in line 15, page 3 of the amendment. It is unclear if this first device is separate from the device recited in claim 1 or same. As understood by the examiner, the term " a first device" should be replaced by the term --- the device---so that it has antecedent basis to the term " a device" in line 5 on page 3 of claim 1 on which the manipulative step of receiving is performed.
- 4.4. Claim 6 recites the limitation " a customer " in line 25, page 3 of the amendment. It is unclear if this customer is separate from the user recited in claim 1 or same. As understood by the examiner, the term " a customer" should be replaced by the term --- the user--so that it has antecedent basis to the term " a user" in line 5 on page 3 of claim 1 from whom the information is received.

# Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 5.1. Claims 9-11 and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The amended claim(s) 9-11 and 26-28 contain subject matter, that is receiving votes regarding importance of the down selected information and utilizing the importance of the down-selected information to generate a matrix, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant has not indicated support for the current amended claims in the amendment. The examiner has also reviewed the applicant's specification and could not find support for the currently amended claims. The applicant's disclosure describes receiving votes to determine the relative importance of the customer- requested attributes and utilizing the importance of the customer-requested attributes a matrix. The disclosure does not specify equating down-selected information to customer requested attributes.
- The following is a quotation of the second paragraph of 35 U.S.C. 112:
   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6.1. Claims 7, 12 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "A method in accordance with Claim 1 wherein said receiving information comprises receiving a specification for the product" in line 2, page 4 of the amendment. In claim 7, the received information, which when combined with the limitation of claim 1 would imply that the product specification would be down-selected and associating subsets of the received specification with levels of detail, which is inconsistent with the

applicant's disclosure. It is unclear as what is the purpose of down-selecting the product specification by associating subsets of the received specification with levels of detail. In plain meaning, product specification is used to buy and sell products. The applicant's invention is directed to a method and system for receiving, compiling and disseminating information concerning attributes of a product (see disclosure, page 1, lines 6-9). The information on attributes can be down-selected by associating subsets of the received attributes with levels of detail but down selecting product specification by associating subsets of the received specification with levels of detail is unclear. For similar reasons claims 12 and 29 are also rejected. This rejection is necessitated due to amendment to claims 1 and 22.

## Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-13, 22-29 and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvitz et al. ( US Patent 6,655,963), hereinafter, referred to as Horvitz...

Regarding claim 1, Horvitz discloses a method for gathering information concerning attributes of a product through use of a network-based system including a server and at least one device connected to the server via a network (see at least col.8, line 20-col.9, line col.20, line 58), said method comprising the steps of:

receiving information concerning the product from a user via the device and compiling the received information (see at least col.9, lines 6-26, " FIG. 1 is a high level bubble diagram of

processes that may be performed by the present invention. In this exemplary environment 100, a front end device 110 can communicate with a back end device 130 via one or more networks 120, such as the Internet for example. Briefly stated, the front end device (or client) 110 may be used to gather implicit or explicit attribute values (e.g., item ratings) ..... The back end device (or server) 130 may be used to gather implicit or explicit attribute values (e.g., item ratings) from a number of entities (e.g., users) .... ".

Note: The back-end device 110 which is a server receives information including item ratings from users and gathers/compiles the same to generate results, such as predicted attribute values);

down-selecting the received information, wherein said down selecting includes associating subsets of the received information with levels of detail (see at least col. 10, lines 8-15, " An optional data base management/pruning process .... may also use the expected value of information information 142, which may be generated by optional expected value of information generation process 140, to manage or prune entries in the entity/attribute value storage 135. .... ", and col. 17, lines 50-63, " Each user's reported attributes (e.g., item ratings or preferences) may be interpreted as a manifestation of their underlying personality type. The probabilistic determinations may be used to determine expected value of information. Such an expected value of information could be used in at least two ways. ........ Second, expected value of information could be used to determine. which entries of a database to prune or ignore—that is, which entries, which if removed, would have a minimal effect of the accuracy of recommendations. "Note: The pruning process corresponds to claimed down selecting process, wherein only those subsections of information are retained which have a minimal effect on the accuracy of recommendations and the other portions if information are demoted. Expected value of information corresponds to levels of detail as they are used to determine which entries/information to select or demote.) ; and

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displaying the down-selected information relating to the product to the users (see at least col.9, lines 48-55, " ....Alternatively, or additionally, a rank ordered list of such content may be presented to the user...". Note: Here, "user" can be one or plural. See also col.16, lines 39-51).

Regarding claim 2, Horvitz teaches that a method in accordance with Claim 1 wherein said step of displaying the down-selected information is performed on a device physically remote from the server (In Horvitz, the user client devices on which the information is displayed is represented by reference number "110" in FIG.1 and that is connected to the server 130 via network/Internet and that signifies that the device on which displaying is done is physically remote from the server).

Regarding claim 4 Horvitz discloses a method in accordance with Claim 1 wherein said step of receiving information comprises the step of receiving information pertaining to features selected by the user (see at least col.9, lines 33-40, which teaches that the user interface requests explicit item ratings from the server).

Regarding claim 5, Horvitz discloses that a method in accordance with the claim 1 wherein said receiving information comprises receiving at least one of a desired attribute, ease-of-use, performance characteristics, and time to market (As analyzed above the information received is related to item ratings/rankings and therefore such information is expected to include information about a desired attribute, performance characteristic for items such as, a household appliance, a consumer good, see at least col.9, lines 50-55.).

Regarding claim 6, Horvitz discloses a method in accordance with Claim 1 wherein the wherein said receiving information comprises receiving a customer-requested feature of the product (see at least col.9, lines 33-40, which teaches that the user interface requests explicit item ratings from the server).

Regarding claim 7, Horvitz discloses a method in accordance with Claim 1 wherein the wherein said receiving information comprises receiving a specification for the product (see at least col.9, lines 33-40, which teaches that the user interface requests explicit item ratings from the server and this item ratings could for items or services offered by the server, see at least col.9, lines 19-26 and specifying an item rating about a product will correspond to product specification).

Regarding claim 8, Horvitz discloses a method in accordance with Claim 1 further comprising displaying information regarding the user (see at least FIG.2 and col.7, lines 40-42, " FIG. 2 illustrates a table data structure that may be used to store entity (e.g., user) records containing attribute (e.g., item) values (e.g., ratings). ". Note: The Table 2 displays the stored information regarding the users).

matrix of all user's ratings of all titles or items is denoted by "R". " Note: In Horvitz, attribute values corresponds to votes received from the users utilizing the importance of the down selected information, see col.8, lines 43-63, " The present invention may also function to predict the utility of having values (e.g., ratings or votes) for certain attributes (e.g., items). ... In one embodiment of the present invention, attributes (e.g., items) whose values (e.g., ratings) add little benefit to the accuracy of the recommendation could be removed from the database (thereby mitigating storage requirements which, under pure memory-based collaborative filtering techniques, are on the order of the number of attributes times the number of users) and/or ignored by the collaborative filtering technique when making a recommendation (thereby mitigating processing time which, under pure memory-based collaborative filtering techniques, are on the order of the number of attributes times the number of users". The votes are received only for those attributes which are beneficial otherwise insignificant attributes are down selected/demoted and voting is implemented for attribute whose values help to determine the accuracy of recommendation and this corresponds to utilizing the importance of the down selected information in voting and generating the matrix. ).

Regarding claim 12, Horvitz discloses a method in accordance with claim 1 wherein said receiving information comprises receiving the product specification information from the user via a graphical user interface (see col.9, lines 14-26, "provide resources such as text, graphic.....". As regards receiving product specification this is already analyzed in claim 7 earlier.).

Regarding claims 13 and 33, Horvitz discloses that a method in accordance with Claim 1 further comprising the step of determining relationships between a set of features of the product and a set of customer-requested attributes of the product, said determining relationships comprises requesting, from the user, a level of a functional relationship between the set of features of the product and the set of customer requested attributes of the product (see at least

col.9, lines 27-55, which discloses requesting the user for an item rating [this corresponds to requesting, from the user, a level of a functional relationship between the set of features of the product and the set of customer requested attributes of the product], using that item rating to determine a recommendation/attribute value [ this corresponds to determining relationships between a set of features of the product and a set of customer-requested attributes of the product] . See also col.12, line 35-col.17, line 63).

Regarding system claims 22-29, their limitations are closely parallel to the limitations of method claims 1, 4-5, and 8-12 and are therefore analyzed and rejected on the same basis. The structural elements such as, device (refer "110" in FIG.1) and server (refer "130" in FIG.1), are capable of carrying all the functions recited in claims 22-29 as analyzed above for claims 1, 4-5, and 8-12 above.

Regarding system claims 31-32, Horvitz teaches that said server and device are connected via a network and that network is one of a wide area network, a local area network and the Internet (See at least FIG.1, "120- Networks, e.g., The Internet "and col.9, lines 7-11).

## Claim Rejections - 35 USC § 103

- 8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8.1. Claim 3 is rejected under 35 U.S.C. 103(a) as being obvious over Horvitz further in view of an Official Notice.

Regarding claim 3, Horvitz discloses that a method in accordance with Claim 2 wherein said step of receiving information is performed on a first device physically located remote from the server (with reference to claim 2, the user's client device represents first device.) and that the down selected information is displayed to the user, as analyzed in claim 1. Horvitz does not disclose that the first device is located in a first room and the step of displaying is performed on a second device in a second room. Horvitz discloses that his system and method provides recommendations to a plurality of users (see at least col. 9, lines 33-44, "to present recommendations and/or predicted attribute values to the users... "). The examiner takes Official Notice of the fact that different users operate from different locations and those locations would be one of office places, homes, airports, railway stations, malls, etc. then at least for the different users operating from office places and homes they would be located in different rooms as well. The room from where the first user operates from whom the information is received can be called the first room and the room where information is displayed to another user can be called second room. Such limitations, naming first room and first device where one user operates and naming another room as second room and another device as second device where another user operates do not qualify for patentability because they are commonly practiced to differentiate users, locations and their equipments. In view of the Official Notice, as illustrated above it would have been obvious for the users in Horvitz to operate on a first device from first room and another user operating from a second room in another home/office.

8.2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz in view Jacobi et al. (US Publication Number 2001/0021914); hereinafter, referred to as Jacobi.

Regarding claim 14, Horvitz shows, as analyzed above, that a method in accordance with Claim 13 further comprising the step of determining relationships between a set of features of the product and a set of customer-requested attributes of the product. It was analyzed above in claim 13 that in Horvitz, the recommendation/attribute values correspond to the relationships and Horvitz

further shows sharing these recommendations/attribute values with other users (see at least col. 9, lines 33- 44, " to present recommendations and/or predicted attribute values to the users... "). Horvitz does not suggest presenting these determined relationships in real-time with other users.

However, in the same field of endeavor, that is presenting recommendations for items to users Jacobi teaches presenting these recommendations real time with users (see at least paragraph 000063, page 6, " "...The FIG.2 process is preferably invoked in real time...For example an instant Recommendation Implementation.....".). In view of Jacobi, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Horvitz to incorporate the feature of presenting/sharing recommendations/attribute values, that is determined relationships, to other users in real time because real-time implementation, as explicitly suggested in Jacobi, results in efficient presentation of recommendations/attribute values to users without letting them to wait for such information and delay their subsequent actions which depend upon recommendations/attribute values.

8.3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz in view of O'Neil et al. (US Patent 6,128,279), hereinafter, referred to O'Neal.

Regarding claim 30, Horvitz teaches a system consisting of a device and a server connected to the device for gathering information concerning the attributes of the products as analyzed and discussed above in claim 1 and 22 above Horvitz does not disclose that the said device is configured to be as server for a network of customer devices. However, in the same field of endeavor for system balancing loads among network servers, O'Neal teaches that the said device is configured to be as server for a network of customer devices (see at least col. line 66-col.2, line 11, "......, some vendors have introduced dedicated load balancing hardware devices into their systems. One such system includes a device, called a proxy gateway, which receives all network requests and routes those requests to appropriate Web servers. In particular, the proxy gateway

queries the servers to determine their respective loads and distributes network requests accordingly. Responses from the servers are routed back to the network through the proxy gateway. Unlike the DNS-based schemes, all requests resolve to the IP address of the proxy server, thereby avoiding the risk that remote DNS caching or failed servers will inadvertently thwart access to the site. ". Note: in O'Neal the device proxy gateway refers to the claimed server which is configured as a server for a network of customer devices. In view of O'Neal, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to have modified. Horvitz to incorporate the feature that the said device is configured to be as server for a network of customer devices because it would help the rosin's system to balance the excessive load from client devices and provide redundancy incase of sever failures as explicitly suggested in O'Neal.

#### Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yogesh C Garg Primary Examiner Art Unit 3625

YCG October 28, 2004